

Formal Meeting Agenda FINISHED



Tempe City Council Thursday, February 04, 2010

Harry E. Mitchell Government Center
Tempe City Hall - City Council Chambers
31 East Fifth Street
7:30 PM

Members of the City Council may attend either in person or by telephone conference call.

1. **INVOCATION - Councilmember Navarro**

2. **PLEDGE OF ALLEGIANCE**

3. **MINUTES - Vice-Mayor Ellis**

A. Approval of Council Meeting Minutes

1. [Formal Council Meeting - January 7, 2010](#)
2. [Council Issue Review Session - January 7, 2010](#)
3. [Council Executive Session - January 7, 2010](#)
4. [Tempe City Council and Scottsdale City Council Dinner Meeting - January 19, 2010](#)
5. [Community Sustainability Committee - March 18, 2009](#)
6. [Council Community Sustainability Economic Subcommittee - April 17, June 12, September 11 & November 6, 2009](#)
7. [Council Community Sustainability Code Subcommittee - April 17, August 21 & October 23, 2009](#)
8. [Council Community Sustainability Technology Subcommittee - April 17, June 12, August 21, September 11 & November 20, 2009](#)
9. [Council Neighborhood Parks Rehabilitation & Maintenance Committee - November 18, 2009](#)
10. [Council Technology, Economic & Community Development Committee - December 4, 2009](#)
11. [Council Sports, Recreation, Arts and Cultural Development Committee - December 9, 2009](#)
12. [Council Housing Committee - January 19, 2010](#)

APPROVED

B. Acceptance of Board & Commission Meeting Minutes

1. [Enhanced Services Commission - October 14, 2009](#)
2. [Parks and Recreation Board - October 21, 2009](#)
3. [Development Review Commission - October 27, 2009](#)
4. [2010 Census Complete Count Committee - November 3, 2009 & January 12, 2010](#)
5. [Commission on Disability Concerns - November 5, 2009](#)
6. [Housing Trust Fund Advisory Board - November 9, 2009](#)
7. [Mayor's Youth Advisory Commission - December 1, 2009](#)
8. [Neighborhood Advisory Commission - December 2, 2009](#)
9. [Ad Hoc Golf Committee - December 4, 2009](#)
10. [Human Relations Commission - December 8, 2009](#)
11. [Committee for Youth, Families and Community - December 8, 2009](#)
12. [Aviation Commission - December 8, 2009](#)
13. [Municipal Arts Commission Nominating Subcommittee - December 9, 2009](#)
14. [Municipal Arts Commission Public Art/Art in Private Development Subcommittee - December 9, 2009](#)
15. [Historic Preservation Commission - December 10, 2009](#)
16. [Hearing Officer - December 15, 2009 & January 5, 2010](#)
17. [Mayor's Youth Advisory Committee - January 5, 2010](#)
18. [Municipal Arts Commission - Advocacy and Communication Subcommittee - January 5, 2010](#)
19. [Special Events Task Force - January 12, & 26, 2010](#)
20. [Rio Salado Advisory Commission - December 8, 2009](#)

APPROVED

4. REPORTS AND ANNOUNCEMENTS

A. Mayor's Announcements

B. Manager's Announcements

5. AGENDA

All items listed on the agenda will be considered as a group and will be enacted with one motion by the City Council unless an item is removed for separate consideration. Members of the public may remove public hearing items for separate consideration. Public hearing items are designated by an asterisk (*). Councilmembers may remove any item for separate consideration.

Agenda items scheduled for Introduction/First Public Hearing will be heard, but will not be voted upon at this meeting. Items scheduled for Second Public Hearing/Final Adoption will be voted upon tonight.

'q-j' indicates quasi-judicial items. The City Council sits as a quasi-judicial body when hearing variances. In this situation, the City Council must conduct itself as a court, not as a legislative body. Pre-meeting contact with the City Council on quasi-judicial matters is prohibited. Any materials or conversations concerning the item shall only be presented to the City Council at the scheduled public hearing.

Legal Advice: If necessary, the City Council may make a vote to adjourn to executive session for the

purpose of obtaining legal advice from the Council's attorney on any matter listed on the agenda pursuant to A.R.S §38-431.03(A)(3).

A. Miscellaneous Items

1. Request approval of the Report of Claims Paid to be filed for audit for the month of December 2009.

APPROVED

- *2. [This is a public hearing to recommend the denial of a Series 06 bar liquor license for J.L.M. Enterprises, LLC, dba The Door, 1126 North Scottsdale Road, #5.](#)

COMMENTS Omer Charles Marion III is the Agent for this application.
DOCUMENT NAME The Door – LIQ LIC (0210-02)

APPROVED

- *3. [This is a public hearing to recommend the approval of a Series 12 restaurant liquor license for First Press Ventures, LLC, dba Rigatony's, 1850 East Warner Road,](#)

COMMENTS Michael Anthony Loperchio is the Agent for this application.
DOCUMENT NAME Rigatony's - LIQ LIC (0210-02)

APPROVED

- *4. [This is a public hearing to recommend the approval of a Series 09 liquor store liquor license for Purveyor Inc., dba Liquor Den, 1335 West University Drive, #1.](#)

COMMENTS George William Stahl II is the Agent for this application.
DOCUMENT NAME Liquor Den – LIQ LIC (0210-02)

APPROVED

- *5. [This is a public hearing to recommend the approval of a Series 10 beer & wine store liquor license for 7-Eleven #32281B, 1795 East University Dr.,](#)

COMMENTS Vaneet Sapra is the Agent for this application.
DOCUMENT NAME 7-Eleven - LIQ LIC (0210-02)

APPROVED

6. [Request for an Amended Subdivision Plat for Pier 202 located at 1400 East Rio Salado Parkway.](#)

COMMENTS Request for PIER 202 (PL090494) (Pier at Town Lake, LLC, property owner; Brady-Aulerich & Associates, applicant) consisting of 27 acres, located at 1400 East Rio Salado Parkway in the MU-4, Mixed-Use High Density District within the Rio Salado Overlay. The request includes the following:

SBD10001 – Amended Subdivision Plat consisting of ten (10) lots and two (2) tracts.

DOCUMENT NAME 20100204dsrl01 PLANNED DEVELOPMENT (0406)

APPROVED

- *7. [This is public hearing for an appeal by the WEILER RESIDENCE \(PL090382/UPA10001\) \(Robert Weiler, applicant/property owner\) located at 1929 East Apollo Avenue of the January 12, 2010 Development Review Commission's decision to uphold the December 15, 2009 Hearing Officer's denial for one \(1\) use permit request.](#)

COMMENTS Hold a public hearing for an appeal by the WEILER RESIDENCE (PL090382/UPA10001) (Robert Weiler, applicant/property owner) located at 1929 East Apollo Avenue in the R1-7, Single Family Residential District of the Development Review Commission's January 12, 2010 decision to uphold the December 15, 2009 Hearing Officer's denial of the following:

ZUP09145 Request for a use permit to allow a recreational vehicle to be parked in the front yard setback.

DOCUMENT NAME 20100204dssl01 PLANNED DEVELOPMENT (0406)

APPROVED

8. [Request for a Final Subdivision Plat for MAGNOLIA COMMERCIAL located at 6631 South Dateland Drive.](#)

COMMENTS Request for MAGNOLIA COMMERCIAL (PL080266) (Kerry Wilkinson, Magnolia Street, L.L.C., owner; Blair C. Meggitt, Brady Aulerich & Associates, applicant) located at 6631 South Dateland Drive in the GID, General Industrial District, including the following:

SBD09014 – Final Subdivision Plat to create two parcels on 1.06 net acres.

DOCUMENT NAME 20100121dskko01 PLANNED DEVELOPMENT (0406)

APPROVED

9. [Request approval of Amendment to existing Subgrantee Agreement #JB-CSG-09-0273-10 between the State of Arizona, Governor's Office for Children, Youth and Families, Division for Children, and the City of Tempe for provision of the Empowering Teens and Parents Program.](#)

COMMENTS This amendment modifies the Description of Services under Section #3 A. of the Subgrantee Agreement. The existing agreement was approved by Tempe City Council on February 19, 2009.

DOCUMENT NAME 20100204cskb02 COMMUNITY SERVICES ADMIN (0701-01)

APPROVED

B. Award of Bids/Contracts

1. [Request approval of job order no. 8 with ForeSite Design & Construction, Inc. for renovation of the pool at the Escalante Community Center. This is a bond-funded project on the approved CIP project list.](#)

COMMENTS Total amount of job order no. 8 is \$309,253 and the amount of the project contingency is \$30,000.
DOCUMENT NAME 20100204PWDR01 ESCALANTE CENTER 2625 E ORANGE (0902-04) PROJECT NO. 6303731

APPROVED

2. [Request award of a construction management contract with Kitchell CEM for renovation of the existing operations building at the Johnny G. Martinez Water Treatment Plant \(JGMWTP\).](#)

COMMENTS Total cost for the construction management contract is \$135,000.
DOCUMENT NAME 20100204PWDR02 JOHNNY G. MARTINEZ WATER TREATMENT PLANT (0811-03) PROJECT NO. 3208031

APPROVED

3. [Request approval to award three-year contracts with two, one-year renewal options to A.C.R. Contracting, Inc., BCS Enterprises, Inc., Breinholt Contracting Company, Inc., and C & W Sons Enterprises, Inc. for the demolition of commercial and residential properties for use by the Community Development Department.](#)

COMMENTS (RFP #10-009) Total amount shall not exceed \$500,000. No contracted demolition carried out pursuant to these contracts will exceed \$30,000 per unit.
DOCUMENT NAME 20090204fslg02 PURCHASES (1004-01)

APPROVED

4. [Request approval of a one-year renewal of a contract with ISS Facility Services for cleaning Tempe Diablo Stadium for the Parks and Recreation Department.](#)

COMMENTS (T08-090-01) Total cost for this contract shall not exceed \$55,000 for the renewal term.
DOCUMENT NAME 20100121fslg03 PURCHASES (1004-01)

APPROVED

5. [Request approval of a one-year renewal of a contract with The Active Network for annual maintenance and support services for the City's Class software system utilized by Parks and Recreation, Community Services and other City departments.](#)

COMMENTS Sole Source (T05-157-01) Total amount shall not exceed \$56,030.
DOCUMENT NAME 20100121fst01 PURCHASES (1004-01)

APPROVED

6. [Request approval of a sole source contract from Oracle USA, Inc. for Oracle database licenses and annual support for the new utility billing system servers which will be used by the Customer Services Division of the Financial Services Department. This is a bond funded project on the approved Capital Improvement Program \(CIP\) project list.](#)

COMMENTS (Sole Source IT10-094-01) Total amount shall not exceed \$257,000.
DOCUMENT NAME 20100107fst03 PURCHASE (1004-01)

APPROVED

7. [Request approval to award a one-year contract to Arizona Truck and Coach Painting for painting of transit buses for the Transit Division of the Public Works Department.](#)

COMMENTS (RFP #10-057) Total cost of this contract shall not exceed \$250,000 during the contract term.
DOCUMENT NAME 20100121fslg04 PURCHASES (1004-01)

APPROVED

8. [Request approval of a contract with Willco Art and Design, Inc., Laurie Lundquist, and Rebecca Ross for public art in Daley Park.](#)

COMMENTS Cost is in the amount of \$51,000 funded by the CIP Municipal Arts Fund
DOCUMENT NAME 20100107cskb01-COMMUNITY SERVICES ADMIN (0701-01)

APPROVED

9. [Request approval of one-year renewal of contracts with Ashland Inc., Basic Chemical Solutions, LLC, CIBA Corporation, DPC Enterprises, LP., General Chemical Performance Products, LLC., Kemira Water Solutions, Inc., Polydyne, Inc., Saltworks and Thatcher Company of Arizona for water and wastewater treatment chemicals for the Water Utilities Department.](#)

COMMENTS (WUD09-029-01, 02, 04, 05, 06, 07, 09, 10, 11) Total cost for these contracts shall not exceed \$1,200,000.
DOCUMENT NAME 20100121fst05 PURCHASES (1004-01)

APPROVED

10. [Request approval to award a one year contract with four, one year renewal options to Arizona Capitol Times and The Arizona Republic for legal and classified advertising for](#)

[use by various City departments.](#)

COMMENTS (RFP #10-077) Total amount not to exceed \$75,000 during the initial one year contract period. A portion of this expense will be paid from the Capital Improvement Program (CIP) fund for the particular project being advertised.

DOCUMENT NAME 20100121fsmg02 PURCHASES (1004-01)

APPROVED

11. [Request approval of job order no. 4 with Pierson Construction Corporation, approval of job order no. 11 with J. Banicki Construction, Inc., and approval of a project contingency for an emergency waterline replacement on Rural Road between University Drive and 6th Street.](#)

COMMENTS Total amount of job order no. 4 with Pierson Construction Corporation is \$416,000, total amount of job order no. 11 with J. Banicki Construction, Inc. is \$172,935.40 and the project contingency is \$40,000.

DOCUMENT NAME 20100204PWDR04 WATERMAIN UPGRADES (0810-06)
PROJECT NO. 3203871

APPROVED

- C. Ordinances and Items for Introduction/First Hearing - These items will have two public hearings before final Council action.

- D. Ordinances and Items for Second Hearing/Final Adoption

- *1. [This is the second public hearing to adopt an ordinance abandoning three existing Water Easements and portions of a fourth Water Easement on ASU property located at 655 South Rural Road.](#)

COMMENTS These easements have been replaced with current facilities at this site.

DOCUMENT NAME 20100107PWWS07 ABANDONMENT (0901) ORDINANCE NO. 2010.01

HELD A PUBLIC HEARING AND APPROVED

- *2. [This is the second and final public hearing to amend Chapter 2 of the City Code relating to administration and the City Code generally, by amending the relevant sections to reflect the consolidation of the Community Development Department and the Development Services Department into the Community Development Department; the Community Services Department and the Parks and Recreation Department into the Community Services Department; the Financial Services Department and the Information Technology Department into the Finance and Technology Department; and the Public Works Department and the Water Utilities Department into the Public Works Department; by designating the Community Relations Department, the Diversity Department, and the Internal Audit Department as Offices; and also by designating Department Managers as](#)

Department Directors.

COMMENTS This ordinance amends Chapter 2 of the Tempe City Code relating to Administration, and also generally amends the City Code and the Zoning and Development Code to reflect the consolidated departments and designated offices, and also the designation of Department Managers as Department Directors. It codifies the consolidation plan previously approved by Resolution No. 2009.123.

DOCUMENT NAME 20100107casv01 ADMINISTRATION (0503-2) ORDINANCE NO. 2010.02

HELD A PUBLIC HEARING AND APPROVED

E. Resolutions

1. [Request approval of a resolution certifying compliance with the Consolidated Plan and administrative commitment supporting an application for fiscal years 2010/2011 Federal Home Funds by Newtown Community Development Corporation](#)

COMMENTS

DOCUMENT NAME 20100121cdch01 COMMUNITY DEVELOPMENT (0403-01) RESOLUTION 2010.02

APPROVED

2. [Request approval of a resolution authorizing the Mayor to execute an intergovernmental agreement between the City of Tempe and participating municipalities to participate in sharing information obtained from E-Verify audits through a searchable database.](#)

COMMENTS Costs of each E-Verify audit will be paid by each participating agency performing such audits and submitting summary memoranda to the shared E-Verify audit database. Existing department budgets are expected to be sufficient to cover all anticipated costs. There is no additional cost associated with the shared database with the League.

DOCUMENT NAME 20100121casv01 AZ LEAGUE OF CITIES & TOWNS (0105-04-01) RESOLUTION NO. 2009.117

APPROVED

3. [Request approval of a resolution approving the Arizona Counter Terrorism Information Center, Statewide Terrorism Liaison Officer Program, UASI Level B, Intergovernmental Agreement.](#)

COMMENTS The Department's TLO Level A and Level B participation resulted in \$448,000 in grant awards.

DOCUMENT NAME 20100121pdsam03 POLICE DEPARTMENT ADMINISTRATION (6060200) RESOLUTION NO. 2010.13

APPROVED

4. [Request approval of a resolution, amending and superseding Resolution No. 2010.10, concerning submittal of a proposed tax increase to the qualified electors of the City of Tempe for the next regularly scheduled general election, excluding any transaction privilege \(sales\) tax rate increase on food for home consumption, and adding a sunset provision for termination of the tax increase in four \(4\) years.](#)

COMMENTS

Resolution No. 2010.10, passed by Council on January 7, 2010, submitted a proposed transaction privilege (sales) and use tax increase to the voters at the next regularly scheduled general election, which is May 18, 2010. Pursuant to Council's direction at the January 28, 2010 Issue Review Session, this Resolution amends and supersedes the previous Resolution to reflect the exception of privilege (sales) tax rate increase on food for home consumption, and include a sunset provision for termination of the tax increase in four (4) years. All other terms of Resolution 2010.10 remain the same.

DOCUMENT NAME

20100121casv01 GENERAL ELECTION (0506-32-02)
RESOLUTION NO. 2010.10A

APPROVED

5. [Request approval of a resolution approving an Arizona Counter Terrorism Information Center, Statewide Terrorism Liaison Officer Program, UASI Level A, Intergovernmental Agreement.](#)

COMMENTS

The Department's TLO Level A and Level B participation resulted in \$448,000 in grant awards.

DOCUMENT NAME

20100121pdsam02 POLICE DEPARTMENT ADMINISTRATION
(6060200) RESOLUTION NO. 2010.12

APPROVED

6. [Request approval of a resolution to accept an Intergovernmental Agreement between Maricopa County and the City of Tempe, for the coordination of the Community Oriented Policing Services \(COPS\) Methamphetamine Initiative and its amendment.](#)

COMMENTS

The initial Intergovernmental Agreement and its amendment to extend the duration of the agreement. The IGA is from April 1, 2009 through August 31, 2009 (C2009-84). The amendment extends the agreement through August 31, 2010.

DOCUMENT NAME

20100121pdsam01 POLICE DEPARTMENT ADMINISTRATION
(6060200) RESOLUTION NO. 2010.11

APPROVED

7. [Request approval of a resolution to accept Subgrantee Agreement and Amendment #1 between the State of Arizona, Governor's Office for Children, Youth and Families, Division for Children and the City of Tempe for provision of the Empowering Teens and Parents Program.](#)

COMMENTS

Juvenile Accountability Block Grant award to the City of Tempe of \$22,187 in federal funds from October 1, 2009 through September 30, 2011. The required match of approximately 10% is met through existing City staff.

DOCUMENT NAME

2010020204cskb01 COMMUNITY SERVICES ADMIN (0701-01) RESOLUTION NO. 2010.14

APPROVED**6. PUBLIC APPEARANCES**

According to the Arizona Open Meeting Law, the City Council may only discuss matters listed on this agenda. Matters discussed by the public during public appearances cannot be discussed by the City Council unless they are specifically listed on this agenda. There is a five-minute time limit per speaker. Speaker's visual aids or recorded tapes are not allowed.

Members of the public shall refrain from making personal, impertinent or slanderous remarks and from becoming boisterous while addressing the City Council or while attending the meeting. Unauthorized remarks from the audience, clapping, stomping of feet, yelling or any similar demonstrations are also prohibited. Violations of these rules may result in removal from the City Council meeting.

A. Scheduled

1. Lon Libsack – Western Canal Multiuse Pathway Project
2. Art Perez – Western Canal Multiuse Pathway Project
3. Deborah Hammontree – Western Canal Multiuse Pathway Project
4. Chuck Eberts – Western Canal Multiuse Pathway Project
5. Diana Eberts – Western Canal Multiuse Pathway Project

B. Unscheduled**7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS**

The City of Tempe endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for sight and/or hearing impaired persons at public meetings. Please call (480) 350-2905 (voice) or (480) 350-2750 (TDD) to request an accommodation to participate in the City Council meeting.

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